

## WATER CONTROL AND PRESERVATION DISTRICTS.

S. B. No. 10]

CHAPTER 43.

An Act authorizing the creation and establishment of Water Control and Preservation Districts for the control and preservation of the purity of the waters, creeks, bayous, lakes, canals, streams or other waters for irrigation or in aid thereof, by the prevention of the inflow of salt water or other deleterious substances; changing of said waters from salt to fresh water and the impounding of fresh water; empowering such districts to erect, construct, maintain, repair and reconstruct dams, bulkheads, jetties, locks, gates or any other character of improvements, necessary to the accomplishment of said purposes, or any of them; providing the method of establishment of such districts; authorizing the ordering and holding of elections for the purpose of voting on the establishment of such districts, and the issuance of bonds and levy of taxes in payment for such improvements and the levying and collecting of taxes for payment of such bonds, and interest thereon; authorizing the appointment and election of directors of such Water Control and Preservation Districts and defining their duties and powers, granting the right of eminent domain to such Water Control and Preservation Districts authorizing the directors of such districts to acquire by purchase, gift or grant, for such district, title to any right-of-way and other property necessary for the purposes of such districts, granting a right-of-way over all public lands in the State necessary to effectuate the purposes of such district, authorizing the conveyance of any property acquired to the United States for certain purposes; authorizing the directors to employ an engineer, manager and other employees, to employ counsel, to enter into contract for such improvements, to agree or co-operate with the Government of the United States, the proper department for officer thereof, for the carrying out of such improvements or the supervision of same, and for all things necessary for the maintenance of such districts, according to the provisions of this Act; providing for entering upon lands for surveys and for all purposes of this Act, and providing for penalties for preventing or prohibiting such entry upon lands, providing for the selection of depositories, authorizing the directors to issue bonds in amount sufficient to cover the cost of the proposed improvements, the expenses incident thereto and expenses necessarily incurred in connection with the creation and establishment of such districts, the amount of said bonds not to exceed the amount authorized by the election; requiring the directors to levy a tax upon all taxable property within the district to pay the interest on such bonds, together with an additional amount to be placed in a sinking fund sufficient to pay the bonds at maturity; to levy and cause to be assessed sufficient in amount to pay for the expense of assessing and collecting such taxes, for the expenses incident to the maintenance of the district and for the maintenance, operation and repair of such improvements; requiring the Commissioners' Court of the county or counties within which the district is situated to order the County Tax Assessor to assess all property within such district, lying within the county, and list the same for taxation; providing the method of assessment and a penalty for the failure of any tax assessor to comply with the order of the Commissioners' Court to so assess; requiring the tax collector of the counties in which such district is situated to collect the taxes for said district within his county; providing for the Commissioners' Court to require an additional bond or security from such tax collectors; providing for the method of collecting the taxes; the bringing of suits for collection of delinquent taxes and the enforcement of tax liens created by this Act; providing penalties for failure or refusal of tax collectors to give additional bond or security or to collect the taxes; providing when taxes shall mature and be paid and penalties for failure to pay same within the required time—providing for reports by district depositories and by Board of Directors; providing for the

filing of suits to establish the validity of such districts and the bonds; fixing the venue and procedure in such actions and the effect of such judgments; providing for the registration of the bonds of such districts by the Comptroller of the State; providing for the sale of such bonds; prohibiting suit brought in any court of the State contesting or enjoining the validity of the formation of any district or the bonds except in the name of the State of Texas by the Attorney General upon his own motion or of any party affected thereby; providing the method of paying out funds of said district; providing for two or more districts undertaking joint projects; providing generally a complete system for the establishment of such districts and the government of same, authorizing the directors to invest the sinking fund, and declaring such districts defined districts within the meaning of the Constitution, repealing all laws or parts of laws in conflict herewith, and declaring an emergency.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. One or more Water Control and Preservation Districts may be established in the several counties, or a part of any county, of this State, or in two or more adjacent counties, or in parts of one or more adjacent counties, or in one county and part of an adjacent county or counties, in the manner herein after provided. Said districts may or may not include within their boundaries villages, towns and municipal corporations, or any part thereof but no land shall be at the same time included within more than one Water Control and Preservation District created under this Act; the said districts, when so established, to be for the purpose of the control and preservation of the purity of the waters of any rivers, creeks, bayous, lakes, canals, streams or other waters of any kind and character situated or flowing, in whole or in part, through the said district, or any part thereof, by the prevention of the inflow of salt water or other deleterious substances, or by the changing of said waters from salt to fresh water, and the impounding of fresh water for the above mentioned purposes; such districts when so established being fully empowered to erect, construct, maintain, repair and reconstruct dams, bulkheads, jetties, locks, gates, or any other character of improvement or construction necessary to the accomplishment of said purposes, or any of them, and such construction, or any part of same, may be without the boundaries of the district, where same may be deemed necessary to the preservation or the improvement of the purity and irrigable quality of the waters of any river, creek, bayou, lake, canal, stream or other waters, or any part thereof, situated or flowing, in whole or in part, through the said district, or any part thereof; and may issue bonds in payment thereof as hereinafter provided.

SECTION 2. Upon the presentation to the County Commissioners' Court of any county of this State of a petition, accompanied by the deposit as hereinafter provided, signed by twenty-five of the resident property taxpayers of any proposed Water Control and Preservation District, praying for the establishment of a Water Control and Preservation District within said county and setting forth the boundaries of the proposed district, accompanied by a map thereof, the general nature of the improvement, or improvements, proposed and an estimate of the probable cost thereof, and praying for the issu-

ance of bonds and levy of a tax in payment thereof, and designing a name for such Water Control and Preservation District, which name shall include the name of the county; said petitioners shall make affidavit to accompany said petition of their said qualification; the said Commissioners' Court shall, at the same session when said petition is presented, enter an order setting same down for hearing at some regular term of said court or at some special session of said court called for the purpose, not less than thirty days nor more than sixty days from the presentation of said petition, and shall order the Clerk of said Court to give notice of the date and place of said hearing by posting, or causing to be posted, a copy of said petition and the order of the Court thereon in five public places in said county, one of which shall be at the Court House door of said county and the other four of which shall be within the limits of said proposed Water Control and Preservation District, which said notice shall be posted not less than twenty days prior to the time set for the hearing. The said Clerk shall receive as compensation for such services One Dollar for each such notice and five cents per mile for each mile necessarily traveled in posting such notices.

SECTION 3. The duties and powers herein conferred upon the County Judges and members of the Commissioners' Court, the County Clerk and other officers are made a part of the regular duties of said officials which they shall render and perform without additional compensation unless otherwise provided herein.

SECTION 4. Upon the day set for the hearing of said petition before the County Commissioner's Court, any person who has taxable property within the proposed district, or who may be affected thereby, may appear before the said court and contest the creation of said district, or contend for the creation of said district, and may offer testimony in favor of or against the boundaries of said district to show that the proposed improvement or improvements would or would not be of any public utility and would be or would not be feasible or practicable and the probable cost of such improvement or improvements, or as to any other matter pertaining to the proposed district. Said County Commissioners' Court shall have exclusive jurisdiction to hear and determine all contests and objections to the creation and establishment of the same, and shall have exclusive jurisdiction in all subsequent proceedings of any district when organized, except as herein otherwise provided, and may adjourn hearing on any matter connected therewith from day to day and all judgments, decrees or orders rendered or entered by said Court in relation thereto shall be final except as herein otherwise provided.

SECTION 5. If at the hearing of said petition it shall appear to the Commissioners' Court that the organization of such district and the proposed improvement is feasible and practicable, that it would be a public benefit or public utility, then the Court shall so find and shall also find the amount of money necessary for said improvement or improvements, for all expenses incident thereto and the expenses necessarily incurred in connection with the creation and establishment of the district, and shall specify the amount of bonds to issue,

the length of time the bonds shall run and the rate of interest said bonds shall bear, and cause its findings to be recorded in the records of the Commissioners' Court. If the Court shall find that the organization of such district and the proposed improvement is not feasible or practicable, or that it would not be a public benefit or public utility, then the Court shall enter such findings of record and dismiss the petition at the cost of petitioners; but the order dismissing said petition shall not prevent or conclude the presentation at any subsequent time of a similar petition with changed boundaries, but the presentation of a similar petition with identical boundaries shall not be permitted until the expiration of six months after such dismissal.

SECTION 6. If at the hearing of said petition, as herein provided for, the Commissioners' Court shall enter an order granting or dismissing the petition for the establishment of said district at the cost of petitioners, then and in that event the petitioners, or any one or more of them, or any taxpayer in such district, may appeal from said order to the District Court of said county which appeal shall be perfected in the following manner, to-wit: notice of appeal shall be given at the time of the entry of said order by announcement of same before said Court, which notice of appeal shall be entered on the minutes of said Court, or by giving written notice within two days after the entry of such order, said notice to be a simple statement in writing to the effect that the undersigned gives notice of appeal from the order entered on the date stated, which notice shall be filed with the Clerk of the County Court, and the appellant shall, within five days from the date of the entry of said order, file an appeal bond with two or more good and sufficient sureties in the sum of One Hundred Dollars, payable to the County Judge of the county, to be approved by the County Clerk; conditioned, upon the due prosecution of the appeal and payment of all costs incident thereto, and unless the appeal be thus perfected within five days after the rendition of the order, such order shall be final and conclusive and there shall be no extension of time granted for the filing of the appeal bond; the County Clerk shall, within five days after the filing of said appeal bond, transfer to the Clerk of such District Court all records filed with the County Commissioners' Court, pertaining to the establishment of said district, and it shall be unnecessary to file any other or additional pleadings in said court. The Court shall set the matter down for hearing, giving it precedence over all other cases, and the matters shall be tried and determined by the court, the hearing being *de novo*. The judgment of the District Court shall be final and conclusive, and the same shall be certified to the Commissioners' Court for its further action. The provisions of Section 5, hereof, as to the presentation of a subsequent petition or petitions, as the case may be, shall be applied in case of such appeal.

SECTION 7. After the hearing upon the petition, as herein provided, if the Commissioners' Court shall find in favor of the petitioners for the establishment of a Water Control and Preservation District according to the boundaries as set out in said petition, then the Commis-

sioners' Court shall order an election, in which order provision shall be made for submitting to the qualified property tax paying voters, resident in said district, whether or not such Water Control and Preservation District shall be created and whether or not a tax shall be levied sufficient to pay the interest and provide a sinking fund sufficient to redeem said bonds at maturity, said order specifying the amount of bonds to be issued together with the length of time said bonds shall run and the rate of interest said bonds shall bear, as said matters have been determined by the Commissioners' Court under the provisions thereof; said election to be held within such proposed Water Control and Preservation District at the earliest legal time, at which election there shall be submitted the following propositions and none other: "For the Water Control and Preservation District and issuance of bonds and levy of tax in payment thereof." "Against the Water Control and Preservation District and issuance of bonds and levy of tax in payment thereof." Provided that said bonds shall not exceed in amount one-fourth of the assessed valuation of the real property of such district as made by last annual assessment thereof for state and county taxation.

SECTION 8. Notice of such election stating the time and place of holding the same shall be given by the Clerk of the County Court by posting, or causing to be posted, notices thereof in four public places in such Water Control and Preservation District and one at the Court House door of the county in which such district is situated for thirty days prior to the date of said election; such notices shall contain the proposition to be voted upon as set forth in Section 7, of this Act, and shall also specify the purpose for which said bonds are to be issued and the amount of such bonds, and shall contain a copy of the order of the court ordering the election.

SECTION 9. The manner of conducting said election shall be governed by the election laws of the State of Texas, except as herein otherwise provided. None but resident property taxpayers, who are qualified voters of said proposed district, shall be entitled to vote at any election on any question submitted to the voters thereof by the County Commissioner's Court at such election. The County Commissioner's Court shall create and define, by an order of the Court, the voting precincts in the proposed Water Control and Preservation District, and shall name a Polling place or places within said precincts, taking into consideration the convenience of the voters in the proposed district, and shall also select and appoint the judges and other necessary officers of the election, and shall provide one and one-half times as many ballots as there are qualified resident property tax paying voters within such Water Control and Preservation District; said ballots shall have printed thereon the words and none others: "For the Water Control and Preservation District, and issuance of bonds and levy of tax in payment thereof"; "Against the Water Control and Preservation District, and issuance of bonds and levy of tax in payment thereof."

SECTION 10. It shall be the duty of the tax collectors of the county, wherein such proposed district is situated, prior to the day set for the

election, to make a certified list of the property taxpayers of said district and to furnish to the presiding judge of each precinct a list of such voters in such precinct, and before any person is entitled to vote at any election under this Act his name must appear in said certified list of property taxpayers, unless such person acquired property in said district after the first day of January of the preceding year, and in such event before he shall be permitted to vote he must take the following oath to be administered by the presiding judge of the polling place where he offers to vote, and for such purpose the presiding judge is hereby authorized to administer the same; "I do solemnly swear (or affirm) that I am a qualified voter of .....County and that I am a resident property taxpayer of the proposed district, that I was not subject to pay property tax in said district for the preceding year and have not voted before at this election"; or unless the person offering to vote is in fact a resident property taxpayer who has in fact paid his property tax for the preceding year but whose name was for some reason omitted from said list before being permitted to vote, such person shall take the same oath as hereinabove set out except that in lieu of the Clause "That I was not subject to pay property tax in said district for the preceding year," there shall be substituted "that I was subject to and did pay property tax in said district for the preceding year," which oath shall be administered by the presiding judge.

SECTION 11. Immediately after the election, the presiding judge at each polling place shall make return of the result in the same manner as provided for in elections for state and county officers, and return the ballot boxes to the County Clerk, who shall keep same in a safe place and deliver them, together with the returns from the several polling places, to the Commissioners' Court at its next regular session, or special session called for the purpose of canvassing the vote, and the County Commissioners shall, at such session, canvass the vote; and, if it be found that a two-thirds majority of those voting at such election shall have been cast in favor of the Water Control and Preservation District and the issuance of bonds and levy of tax, then the Court shall declare the result of said election to be in favor of said Water Control and Preservation District, and shall enter same in the minutes of the Court as follows:

"Commissioners' Court of.....County, Texas,..... day of.....A. D.....in the matter of petition of .....and .....others, praying for the establishment of a Water Control and Preservation District, and issuance of bonds and levy of taxes in said petition fully described and designated by the name of..... Water Control and Preservation District..... Be it known that at an election called for that purpose in said district, held on the.....day of.....A. D. ...., a two-thirds majority of the resident property taxpayers voting thereon voted in favor of the creation of said Water Control and Preservation District, and the issuance of bonds and levy of a tax. Now, therefore, it is considered and ordered by the Court that said Water Control

and Preservation District be and the same is hereby established by the name of.....Water Control and Preservation District ....., and that the bonds of said District in an amount not exceeding.....Dollars be issued by the Directors of said Water Control and Preservation District, and that said Board of Directors levy a tax of.....cents on the hundred dollars of valuation, or so much thereof as may be necessary, upon all property within said Water Control and Preservation District, whether real, personal, mixed or otherwise, sufficient in amount to pay the interest on such bonds and provide a sinking fund sufficient to redeem them at maturity, and that if said tax shall at any time become insufficient for such purpose, same shall be increased by the Directors of said district until same is sufficient. The metes and bounds of said district being as follows, to-wit: (Giving the metes and bounds).''

SECTION 12. After the establishment of any Water Control and Preservation District, as herein provided, the Commissioners' Court, at the same meeting at which the result of said election is determined and declared, or at a meeting called for the purpose not more than five days after such first mentioned meeting, shall appoint a Board of Directors consisting of three members, all of whom shall be residents of the Water Control and Preservation District, who shall be freehold property taxpayers and legal voters of the county embraced, in whole or in part, within the district, and at the time of said election more than twenty-one years of age, whose duties shall be as herein-after provided; they shall each receive as compensation for their services the sum of Three (\$3.00) Dollars per day for each day necessarily taken in the discharge of their duties as such directors; said directors shall hold office for the term of two years and until their successors have qualified, unless sooner by a majority vote of the Commissioners Court. Upon the expiration of the term of office of said directors, the Commissioners' Court shall appoint their successors by majority vote. Should any vacancy occur through death, resignation or otherwise, of any directors, the same shall be filled by the Commissioners' Court.

SECTION 13. Where any such district proposed to be established lies partly within two or more counties, the petition provided for in this Act, shall be presented to the County Commissioners' Court of each county in which a portion of said district shall lie, and all notices provided for in this Act, to be given in the formation of such district, shall be given in each and every county in which any portion of said territory proposed to be included in such district shall lie. The elections herein provided for, for the establishment of such district, shall be ordered as herein provided by the County Commissioners' Court of each County, in which any portion of said district may lie, for the portion of said district lying in said county. The election returns in such county shall be made to the Commissioners' Court and the said Commissioners' Court shall appoint all necessary officers, furnish all necessary supplies and give all necessary notice as herein provided in the same manner as if the territory lying in said county was, in itself, to be incorporated in such district, but

stating that same is a part of such entire district. The said election shall be held in each county in the portion of the district therein situated and the returns of such election shall be made to the County Commissioners' Court, and shall be by it duly canvassed and the result duly declared. After canvassing, determining and declaring the result of said election, the County Judge or presiding officer of the Commissioners' Court shall certify and report the result of said election to the County Judge of the county in which the largest portion of any such district is situated and said County Judge shall canvass said vote and declare the result thereof, and if it be determined that at least two-thirds of the property tax payers, voting thereon, in said entire district have voted in favor of the creation of said district, the said County Judge shall declare the result thereof in the manner herein provided. Said County Judge shall make the order provided for in this Act, relating to districts wholly within one county, and shall cause copies of such order to be filed with the County Clerk of each county in which any portion of said district may lie, which shall be held to be a proclamation of the result of said election.

SECTION 14. When a petition praying the establishment of such district is filed in two or more counties, the Commissioners' Court of each county shall proceed to hear and determine the matters therein set forth with reference to the territory within their said county in the same manner as herein provided for districts wholly within one county and appeals may be taken for the order entered upon such petition, in the manner as herein provided where the district lies wholly within one county, and the District Court of any county in which any portion of said district is situated, shall have jurisdiction to hear and determine said appeal, the procedure of such appeal, the effect of the judgment entered and the certification thereof, shall be the same as herein provided for districts wholly within one county.

SECTION 15. Where the proposed district lies partly within two or more counties, the Board of Directors, instead of consisting of three members shall consist of five and instead of being appointed, as herein provided for, when districts lie wholly within one county, shall be elected at the same time that the question of the establishment of the district is submitted to the voters, and the ballot in addition to the words printed thereon, as provided in Section 9 hereof, may have printed the names of the candidates for director, or the voter may write upon his ballot the names of the persons voted for as directors; the five persons receiving the highest number of votes so cast shall be the directors of said district, and the vote for directors shall be canvassed and the result declared at the same time and in the same manner as herein provided for the establishment of the district.

SECTION 16. The directors so elected shall hold their office for two years and until their successors are elected and qualified, provided however, that the directors elected at the time of the establishment of the district, shall hold office only until the next regular election to



be held in said district for the election of directors, as hereinafter provided and until their successors are elected and qualified. All vacancies in the office of director shall be filled by the Board of Directors, by appointment, and the director so appointed shall hold office until, the next regular election and until his successor has been elected and qualified. Where the number of directors shall have been reduced by death, resignation or otherwise, to less than three, an election shall be held in the manner provided in Section 75 of Chapter 87, Acts of the Thirty-fifth Legislature, Regular Session, and all the provisions of said section shall apply. There shall be held on the second Tuesday in January, after the establishment of such district, and every two years thereafter, an election within the district, where the land in the district lies in two or more counties, at which time there shall be elected five directors for such district, said elections to be held in accordance with the election laws of the State of Texas, and the provisions of this Act for elections for the establishment of districts, provided however, the Board of Directors shall give notice of the election, appoint all necessary officers, name the polling places in the district, receive and canvass the election returns and do and perform all other duties necessary to the holding of said elections, canvassing the returns and declaring the result thereof. None but resident property taxpayers, who are qualified voters of such district, shall be entitled to vote at such election.

SECTION 17. Within ten days after their appointment or election, or as soon as thereafter as practicable, the directors so appointed or elected, shall make and enter into a good and sufficient bond, in the sum of Five Thousand (\$5,000.00) Dollars, each, payable to such district, conditioned upon the faithful performance of his duties, the said bond, when the district lies wholly within one county, to be approved by the Commissioners' Court and when said district includes lands within two or more counties the bonds of such directors shall be approved by the Commissioners' Court of the county in which they reside, a copy of the order approving the bond shall be filed with the County Clerk of the county in which the largest part of the district is situated, together with the bond, and such clerk shall record same in the deed records of the county and shall properly index the same in the manner provided for the recording and indexing of deeds; provided however, that after the organization of such district, all bonds required to be given by any director, officer or employee of such district, shall be approved by the directors of such district. The said directors shall take the oath of office prescribed by the Constitution for officers; the said oath of office, when the district is composed of land lying wholly within one county, to be taken before the County Clerk of such county; and where lands within the district lie partly within two or more counties, the oath of office shall be taken before the County Clerk of the County within the district in which such director resides, and the said bonds and oaths shall be delivered by said Clerks to the depository selected by such district under the provisions of this Act, and shall be by it safely kept and preserved for the said district.

SECTION 18. The directors of such district shall, as soon as possible after their appointment or election and qualification, organize by electing one of their number as President and one as Secretary. When the board of directors consists of three members any two of said directors shall constitute a quorum, when the board of directors consists of five members any three of said directors shall constitute a quorum.

SECTION 19. The Board of Directors, as soon as practicable after their appointment, or election, qualification and organization, shall enter an order directing the issuance of water control and preservation bonds for such Water Control and Preservation District, in an amount sufficient to cover the cost of the proposed improvement or improvements, all of the expenses incident thereto and the expenses necessarily incurred in connection with the creation and establishment of the district, provided that the amount of the bonds shall not exceed the amount authorized by the election theretofore held; and the directors shall levy a tax upon all property, subject to taxation within such district, sufficient in amount to pay the interest on such bonds, together with an additional amount to be placed in the sinking fund sufficient to discharge and redeem said bonds at maturity; and said directors for such district shall annually levy and cause to be assessed taxes upon all property within said district sufficient in amount to pay for the expenses of assessing and collecting such taxes, and a tax sufficient for the expenses incident to the maintenance of the district; provided that the tax so levied in connection with any original issuance of bonds shall remain and shall be from year to year as a levy for that purpose until a new levy shall be made. The Board of Directors may from time to time increase or diminish such tax so as to adjust the same to the taxable value of the property subject to taxation by the district, and the directors shall certify to the Commissioners' Court or courts, as the case may be, the levy of such taxes.

SECTION 20. When the lands embraced within such district shall be wholly within the boundaries of one county, the County Commissioners' Court shall provide all necessary additional books for the use of the assessor and collector of taxes for such water control and Preservation District and charge the cost of same to the said district. It shall be the duty of the Commissioners' Court, when the directors of the district certify any tax levy to order the county tax assessor to assess all property within such Water Control and Preservation District and list the same for taxation in the books or rolls furnished him by said Commissioners' Court for that purpose, and return said books or rolls at the same time when he returns the other books or rolls of the state and county taxes for correction and approval, and if the said Commissioners' Court shall find said books or rolls correct they shall approve the same, and all matters pertaining to the assessment of property for taxation in said district, the tax assessor and Board of Equalization of the County in which said district is located shall be authorized to act and shall be governed by the laws of Texas for assessing and equalizing property for state and county taxes,

except as herein otherwise provided. In the event such district lies partly within two or more counties, the directors shall certify the tax levies to the Commissioners' Court of the respective counties, and it shall be the duty of such Commissioners' Courts to order the county tax assessor to assess all property in said county within said Water Control and Preservation District and list the same for taxation in the books or rolls furnished him by said Commissioners' Court for that purpose at the cost of said district, and return said books or rolls for approval of such Commissioners' Court, and said court shall examine and approve the same in the manner hereinabove provided; and in all matters pertaining to the assessment of property for taxation in the part of the county included within such district, the tax assessor and Board of Equalization of such county shall be authorized to act and shall be governed by the laws of Texas for assessing and equalizing property for state and county taxes, except as herein provided. All taxes authorized to be levied by this Act shall be a lien upon the property upon which said taxes are assessed, and said taxes shall mature and be paid at the time provided by the laws of this state for the payment of state and county taxes, and all penalties provided by the laws of this state for the non-payment of state and county taxes shall apply to all taxes authorized to be levied by this Act. The tax assessor, or assessors, as the case may be, shall receive for said service such compensation as the directors of the Water Control and Preservation District shall determine proper, provided that in no event shall they be allowed more than is now allowed by law for like services. Should any tax assessor fail or refuse to comply with the orders of the Commissioners' Court requiring him to assess and list for taxation all the property in the county within the boundaries of said district, as herein provided, he shall be suspended from the further discharge of his duties by the Commissioners' Court of his county, and he shall be removed from office in the mode prescribed by law for the removal of county officers. And any Commissioners' Court refusing or failing, upon being notified of the levy of such tax by the Board of Directors, to order the county tax assessor to make assessment as herein provided, shall be subject to mandamus by any court of competent jurisdiction on a petition in the name of the district, and the order of court upon such hearing may require the assessor to perform the duty without the intervention of an order of the Commissioners' Court.

SECTION 21. The tax collector of the county in which said district is situated, and in each county wherein any part of the district may be situated, shall be charged by the Commissioners' Court of such county or counties with the assessment rolls of the Water Control and Preservation District, of that part of said district situated within the county, and it shall be his duty to collect the said taxes within his said county. He shall receive for his services such compensation as the directors of said district shall deem proper, but in no event shall he be allowed more than he is now allowed by law for like services. The county Commissioners' Court shall require the tax collector of the county or of their respective counties, as the case may

be, to give an additional bond or security in such sum as they may deem proper and safe to secure the collection of said taxes, payable to the district, conditioned as provided by law for tax collectors' bonds, and in all matters pertaining to the collection of taxes levied under the provisions of this Act, the tax collector shall be authorized to act and shall be governed by the laws of Texas for the collection of state and county taxes, except as herein otherwise provided, and suits may be brought for the collection of said taxes and the enforcement of the tax liens created by this Act. Should any tax collector fail or refuse to give such additional bond or security as herein provided, when requested by the Commissioners' Court, within the time prescribed by law for such purposes, or shall fail or refuse to collect the taxes so levied on the property of said district within his county, he shall be suspended from office by the Commissioners' Court of his county and immediately thereafter be removed from office in the mode prescribed by law.

SECTION 22. It shall be the duty of the county tax collector to make a certified list of all delinquent property upon which the water control and preservation tax has not been paid within his county and return the same to the Commissioners' Court of said county which shall proceed to have the same collected the sale of such delinquent property in the same manner, both by suit and otherwise, as is now provided for the sale of property for the collection of state and county taxes, and all the provisions of law with reference to delinquent state and county taxes, the collection thereof by suit or otherwise and the redemption of same from such sale, shall apply except as herein otherwise provided, such proceedings and suits to be in the name of the said district and be brought and prosecuted by the same officers as provided for state and county taxes, who shall receive the same fees for such services as provided for like proceedings for state and county taxes; in the sale of any property for delinquent taxes, the directors may become the purchasers of same for the benefit of the district.

SECTION 23. The Board of Directors shall have authority from time to time, as occasion may require and demand, in its discretion, to levy a tax on all property within such district in an amount sufficient to pay for the proper maintenance, operation and repair of any dams, bulkheads, jetties, locks, gates or any other improvement constructed by said district, the directors shall certify to the Commissioners' Court, or courts, as the case may be, the levy of such tax as provided in Section 19 hereof, whereupon it shall be the duty of such Commissioners' Court or Courts, as the case may be, to order the tax assessor to assess the property, and same shall be assessed, as provided in Section 20 hereof, such tax shall be collected in the manner as provided in Section 21 hereof, and all the provisions of Sections 19, 20, 21 and 22 hereof shall be applied to the tax hereby authorized.

SECTION 24. The directors for such district shall select a depository for such district in the same manner as now provided for the selection of depositories for the counties in this State, and the duties

of such depository shall be the same as now prescribed by law for county depositories, except as herein otherwise provided. In the selection of depositories the directors of such district shall act in the same capacity and perform the same duties as are incumbent upon the county Judge and members of the Commissioners' Court in the selection of county depositories, and all the laws now in force, or hereafter to be enacted, for county depositories, shall apply and become a part of this Act is so far as the same be applicable.

SECTION 25. The tax collector of the county or counties, as the case may be, in which said district is situated, shall pay all moneys collected by him or them for said district to the district depository monthly and as often as they may be directed so to do by the Board of Directors of said district, as now prescribed by law for payment by tax collectors to county and city treasurers.

SECTION 26. The district depository shall make a report of all moneys received and of all moneys paid out at the end of each month, and shall file such reports with such vouchers among the records of said district in its own vault, and shall furnish a true copy thereof to the directors, and shall, when called upon, allow same to be inspected by any taxpayer or resident of such district; such records shall be preserved as the property of such district and shall be delivered to the successor of such depository.

SECTION 27. All payments of any funds of the district shall be by voucher upon the district depository, and all vouchers issued for the payment of any funds of the district shall be signed by the President of the Board of Directors or any two of said directors; all vouchers shall be issued from a regular duplicate book containing a duplicate, which shall be preserved. The directors shall have kept complete books of accounts for such district, and shall on September 1st of each year select a permanent auditor who shall examine the accounts, books and reports of the depository, the assessors and collectors and the directors, and make a full report thereof, a copy of which shall be filed with the depository and a copy with the directors, and one with the County Clerk of the county in which the said district is situated; or if the district be composed of lands situated in two or more counties, then with the clerk of the county in which the largest portion of such district is situated; such report shall be filed by November 1st of each year.

SECTION 28. All bonds issued under the provisions of this Act shall be issued in the name of the Water Control and Preservation District, signed by the President and attested by the Secretary of the Board of Directors, with the seal of said District attached thereto, and such bonds shall be issued in denominations of not less than One Hundred Dollars nor more than One Thousand Dollars each, and such bonds shall bear interest at the rate of not to exceed six per cent per annum, payable annually or semi-annually; such bonds shall by their terms provide the term, place or places, manner and conditions of their payment and the interest thereon as may be determined and ordered by the directors for such district, and no bonds shall be made payable more than forty years after date thereof.

SECTION 29. No suit shall be permitted to be brought in any court of this State contesting or enjoining the validity of the formation of any district created under the provisions of this Act, or any bonds issued hereunder, or in anywise affecting the establishment of the district or issuance of bonds by such district, except in the name of the State of Texas by the Attorney General upon his own motion, or upon the motion of any party affected thereby, upon good cause shown, except as herein otherwise provided.

SECTION 30. Any such district issuing bonds in accordance with this Act shall, before such bonds are offered for sale, bring an action in the District Court in any county of the judicial district in which said district may be situated, in whole or part, or in the District Court of Travis County, to determine the validity of any such bonds; such action shall be in the nature of a proceeding in rem and jurisdiction of all parties interested may be had by publication of a notice thereof once each week for at least three consecutive weeks in some paper of general circulation published in the county where the action is pending and in the county in which said district is situated, where all of the lands embraced within the district lie in one county, and where lands of two or more counties are situated within said district, then in the county in which the largest portion of any such district is situated. Notice shall also be served upon the Attorney General of the State of Texas of the term of court to which said suit is made returnable, such notice to the Attorney General shall contain a copy of all of the proceedings had in the formation of such district and in connection with the issuance of said bonds. The Attorney General may waive service when furnished a full transcript of such proceedings.

SECTION 31. It shall be the duty of the attorney general to make a careful examination of all such proceedings and require such further evidence and make such further investigation as may seem to him advisable. He shall then file an answer tendering the issue as to the due organization and the validity of the district and whether such bonds are legal and binding obligations upon such district. The issues thus made shall be tried and determined by the court and judgment entered upon such finding upon the trial of such cause. The court may permit any person having an interest in the issue to be determined to intervene and participate in the trial of the issue made. All suits brought under the provisions of this Act shall have preference over all other actions in order that a speedy determination as to the matters involved may be reached.

SECTION 32. Upon the trial of the issues made under the preceding section of this Act, if the judgment of the court shall be favorable to the district, such judgment shall be so rendered; if the judgment of the court shall be adverse to the district, then such judgment may be by said district accepted, and the error pointed out in such proceedings may be corrected in the manner designated or directed by said court, and when so corrected the judgment of the District Court shall be rendered showing that said corrections had been made and that the bonds issued thereunder are binding obliga-

tions upon said district, and such judgment shall be final; and thereafter the judgment, when so finally made out and entered, shall be received as *res adjudicata* in all cases arising in connection with the collection of said bonds or any interest due thereon, and as to all matters pertaining to the organization and validity of said district or pertaining to the validity of said bonds. After the making and entry of the judgment of the District Court, as hereinabove provided, the Clerk of said court shall make a certified copy of such decree, and said court decree shall be filed with the Comptroller of Public Accounts and be by him recorded in a book kept for that purpose, and said certified copy, or a duly certified copy of said record made by the Comptroller, shall be received in evidence in all litigations thereafter arising which may affect the validity of said bonds or any matter pertaining to the organization and validity of said district, and shall be conclusive evidence of such validity.

SECTION 33. Upon the presentation of said bonds together with a certified copy of the decree of the District Court as provided in the preceding section, the Comptroller shall register said bonds together with a certified copy of the judgment as herein provided for in a book to be provided for that purpose, and shall attach to each of said bonds a certificate of the fact that the decree of the District Court, as required by this Act, has been filed with him in his office, such certificate to be signed by him officially and the seal of his office attached thereto. The Board of Directors of the district shall provide a well bound book in which a record shall be kept by the County Clerk or Clerks of the county in which the largest portion of such district is situated, of all bonds issued with their numbers, amounts, rate of interest, date of issue, when due, where payable, and the annual rate per cent of tax levy made each year to pay the interest on said bonds and to provide a sinking fund for their payment. Said book shall be at all times open to the inspection of all parties interested in said district, either as taxpayers or bond holders, and upon the payment of any bond an entry shall be made in said book showing such payment, and the Secretary of such district shall furnish to the proper County Clerk a certified copy of all orders made in connection with the issuance and levy and assessment of taxes for the payment of interest and creating a sinking fund for the final payment of such bonds. The County Clerk or Clerks shall receive for their services in registering said bonds the sum of ten cents for each bond and a like sum for entering payment of each bond, and for recording any instruments of the district required to be recorded, the same fees as are provided by law for other like services.

SECTION 34. After the issuance of said bonds and after the registration by the Comptroller of Public Accounts for the State of Texas, as hereinabove provided, the Board of Directors for such district shall offer for sale and sell said bonds on the best terms and for the best price possible, but none of said bonds shall be sold for less than the face value thereof and the accrued interest thereon, and after said bonds are sold all moneys received therefrom shall be immediately paid over by the Board of Directors to the depository of said dis-

trict; provided, however, that the Board of Directors may exchange bonds in payment of the contract price for work to be done for the use and benefit of said district.

SECTION 35. If after an election has been held for the issuance of bonds the Directors of said district shall consider it necessary to make any modifications or changes in any proposed improvements, they shall be authorized thereto, provided that any change or modification of any improvement or construction shall require the concurrence of four Directors.

In the event the Board of Directors shall determine to make additional improvements, works or constructions in order to carry out the purposes for which said district was organized, or to reconstruct any improvements theretofore made, and the amount derived from the bonds issued or authorized shall not be sufficient, a resolution to that effect shall be duly entered upon the minutes of the board, which said resolution shall set forth the modification or changes proposed, or the new improvements proposed, or the proposed reconstruction, as the case may be, the amount of bonds to be issued to pay for same, together with the length of time said bonds shall run and the rate of interest said bonds shall bear, and shall embody therein a request to the Commissioner's Court of the County, if all the land of the district be embraced in one county, or to the Commissioners' Court of several counties in which any part of the lands embraced in the district is situated, to order an election to submit to the qualified property tax paying voters, resident in said district, at a day specified in said resolution, whether or not such Water Control and Preservation District shall issue additional bonds in the amount named and whether or not a tax shall be levied sufficient to pay the interest and provide a sinking fund to redeem said bonds at maturity; that a certified copy of said resolution shall be presented to the Commissioners' Court or the several Commissioners' Courts, as the case may be, and thereupon it shall be and become the duty of the Commissioners' Court of said County, if all of the lands within the district lies within one county, or of the Commissioners' Courts of the several counties in which any part of the lands of the district are situated, to order an election on the day specified in said resolution to be held in the county or such part of such respective counties embraced within the district, and notice of such election shall be given, returns made, result declared orders entered, tax levied, certified, assessed and collected in the same manner as herein provided in case of elections for original bonds, and all provisions as to the issuance, approval, validation, registration, recordation and sale of original bonds shall be applicable to such additional bonds, the calling of the election at the date specified in the resolution of said Board of Directors as certified to the Commissioners' Court or Commissioners' Courts, as the case may be, shall not be discretionary with such Commissioners' Court or Courts, but the same shall be and is hereby made mandatory, and all the provisions with reference to the election for the original bond issue, in so far as applicable, shall apply to any election for such additional bonds. The ballots shall have



printed thereon the words and none other: "For the issuance of additional Water Control and Preservation bonds and levy of tax in payment thereof;" "Against the issuance of additional Water Control and Preservation bonds and levy of tax in payment thereof."

SECTION 36. There is hereby created what shall be termed the "Construction and Maintenance Fund" of such district, which fund shall consist of all moneys received from the sale of bonds and all other amounts received by said district from whatever source, except the tax collections applied to the sinking fund and payment of interest on bonds. All expenses of any kind prior to and after the filing of the original petition, necessarily incurred in connection with the creation, establishment and maintenance of any district organized under the provisions of this Act and improvement or improvements, repairs, cost of maintenance, the salaries of all officers and of all employees of every kind whatsoever, and all expenditures for any purposes of the district, other than the payment of bonds or interest thereon shall be paid out of such "Construction and Maintenance Fund" of said district. Provided, that should the proposition of the creation of such district and issuance of bonds be defeated at the election called to vote upon same, then all expenses up to and including said election shall be paid in the following manner; when the original petition praying for the establishment of a Water Control and Preservation District is filed, as herein provided, it shall be accompanied by Five Hundred Dollars in cash, which shall be deposited with the Clerk of the County Commissioners' Court, if all the lands in the boundaries of the district are situated in one county, or, where the lands embraced in the district lie partly in two or more counties, then with the Clerk of the County Court of the county in which the largest portion of the proposed district is situated, and shall be held by such Clerk until after the result of the election for the creation of said district has been declared and entered of record as hereinbefore provided. Should the results of said election be in favor of the establishment of said district, then the said Five Hundred Dollars shall be by the said Clerk returned to the signers of said original petition, or their agent or attorney. But should the result of said election be against the establishment of said district, then the said Clerk shall pay out of said Five-Hundred Dollars, upon vouchers signed by the County Judge of the county wherein the district is situated, if all the lands are embraced in one county, or, if the lands embraced in the district lie in two or more counties, then by the County Judge of the county in which the largest portion of such proposed district is situated, all expenses and costs pertaining to the said proposed district up to and including the said election and shall return the balance, if any, of said Five Hundred dollars, to the signers of said original petition, or their agent or attorney.

SECTION 37. There is hereby created what shall be termed the "Interest and Sinking Fund" for such district, and all taxes collected under the provisions of this Act for the payment of bonds and interest thereon, shall be credited to such fund and shall never be paid out except for the purpose of satisfying and discharging the inter-

est on said bonds, or for the payment, cancellation and surrender of said bonds, and such fund shall be paid out upon vouchers drawn as hereinbefore provided, and at the time of such payment the depository for such district shall receive and cancel any interest coupon so paid or any bond so satisfied or discharged, and when such interest coupon or bond shall be turned over to the directors the account of such depository shall be credited with the amount thereof and such bond or interest coupon shall be cancelled and destroyed.

SECTION 38. The right of eminent domain is hereby conferred upon all Water Control and Preservation Districts established under the provisions of this Act, for the purpose of condemning and acquiring the right of way over, and through all lands, private and public, except property used for cemetery purposes, necessary for making and maintaining dams, bulkheads, jetties, locks, gates and all other improvements necessary and proper for such construction, and to effectuate the purposes of such district, and the authority hereby conferred shall authorize and empower such district to condemn all lands, private and public, for the purposes herein designated, beyond the boundaries of such district and in any county within the State of Texas. All such condemnation proceedings shall be under the direction of the directors and in the name of the district. The assessment of all damages and all procedure with reference to condemnation, appeal and payment shall be in conformity with the statutes of the State for condemning and acquiring right of way by railroad companies, and all such compensation and damages adjudicated in such condemnation proceedings shall be paid out of the "Construction and Maintenance Fund."

SECTION 39. The directors of any such district shall have authority to employ a competent engineer whose term of office shall be at the will of said directors. It shall be the duty of the engineer to make all necessary surveys, examinations, investigations, maps, plans and drawings with reference to the proposed improvements. He shall make an estimate, or estimates, of the cost of same, shall supervise the work of improvements, and shall do and perform all such duties as may be required of him by the directors. If it be necessary to erect and maintain dams, bulkheads, jetties, locks, gates or any other character of improvement or construction, in order to the preservation of the purity and irrigable qualities of the waters of any rivers, creeks, bayous, lakes, canals or streams, or other waters of any kind or character, and the improvement proposed be of such nature as requires the permission or consent of the Government of the United States, or any department or officer of the United States, the said directors shall have authority to obtain the required permission or consent, provided that in lieu of the employment of an engineer, as herein provided, or in addition thereto, the said directors shall have power to adopt any survey of any river, creek, canal, stream, bay, lake or other waters, theretofore made by the United States, or any department thereof, and to arrange for surveys, examination and investigation of the proposed improvement, and supervision of the work of improvement by the United States, or the proper

department or officer thereof. And said directors shall have full power and authority to co-operate and act with the United States, or any officer or department thereof, in any and all matters pertaining or relating to the construction and maintenance of any improvement whether by survey, work or expenditure of money made, or to be made, either by said directors or by the United States, or any proper officer or department thereof, or by both; and to the end that the United States may aid in all such matters, the said directors shall have authority to agree and consent to the United States entering upon and taking management and control of said work of construction, repair or reconstruction and maintenance, in so far as it may be necessary or permissible under the laws of the United States and the regulations and orders of any department thereof.

SECTION 40. Two or more districts may, in the discretion of the directors of the respective districts, join in the construction of any improvement or improvements and enter upon any work authorized under this Act as a joint project where in the judgment of the majority of the directors of each of said districts such improvements, works or constructions will be advantageous to the respective district. To this end a contract may be entered into between such districts by the respective directors, stipulating the pro rata amount to be paid by such district for such joint project and to provide for its maintenance, repair and reconstruction, and such joint projects may be undertaken whether the improvement or improvements, works or constructions are wholly within one district or partly in each of said districts, or partly in either said district and without the bounds of either district, or wholly without the bounds of either district, and such contracts may be enforced and specific performance compelled by any court of competent jurisdiction. When improvements are constructed by two or more districts, bids may be jointly called for and may be opened and considered at the designated office of either of said districts, and the directors of such districts shall approve the letting of the contract and contractor's bond, and may meet for that purpose and for all purposes concerning the joint project at a place outside the district, or at any office established for such joint project, and at which office all business of such joint project may be transacted. All bids, bonds, contracts, etc., of said project shall be in the name of said joint project districts, such districts being empowered and authorized to do all acts by joint action that one district may do, the action of each district being determined by its Board of Directors. A General Manager may be employed for such project, whose duties may be set forth in the joint ownership contract; such manager may be a director of either of such districts.

SECTION 41.—If the improvement or improvements, works or constructions be not carried out and performed by the United States as herein provided, the contract or contracts for such improvement or improvements shall be let by the directors and the same shall be awarded to the lowest and best responsible bidder after giving notice by advertising the same in one or more newspapers of general circulation in the State of Texas once a week for four consecutive weeks,

and by posting notices for at least thirty days at the Court House door of the county or counties in which the lands of the district may be situated. Nothing herein contained shall prevent the making of more than one improvement and where more than one improvement is to be made, the contract may be let separately for each or one contract for all such improvements.

SECTION 42. Any person, firm or corporation desiring to bid on the construction of any work advertised for as provided in the preceding section of this Act, shall upon application to the Secretary of the district be furnished the surveys, plans for the said work, and all bids or offers for any such work shall be in the writing and sealed and delivered to the President or Secretary of the Board of Directors, together with a certified check for at least two per cent of the total amount bid, which shall be forfeited to the district in case the bidder refuses to enter into a proper contract and make the necessary bond, if his bid is accepted, or returned to the bidder if his bid is rejected. Any and all bids may be rejected at the discretion of the directors, all contracts made by the directors shall be reduced to writing and signed by the contractors and President of the Board of Directors and attested by the Secretary of the Board of Directors and a copy of same shall be filed with the County Clerk of said county, if the lands embraced in the district lie wholly within one county, or if in two or more counties, with the clerk of the county in which the largest portion of such district is situated.

SECTION 43. The person, firm or corporation to whom any such contract is let shall give bond, payable to the district, in such amount as may be determined by the directors not to exceed the contract price and not less than fifty per cent thereof, conditioned that he, they or it will faithfully perform the obligations, agreements and covenants of their contract and that in default thereof will pay to said district all damages sustained by reason thereof; and such other conditions as may be required by law of contractors for public work; said bond to be approved by the Board of Directors.

SECTION 44. All work contracted for by the Board of Directors, unless done under the supervision of the United States, or the proper department of officer thereof, as hereinbefore provided, shall be done under the supervision of the engineer of the district; and when the work is completed according to the contract, the engineer shall make a detailed report of the same to the Board of Directors showing whether the contract has been fully complied with according to its terms; and if not, in what particular it has not been so complied with. The directors, however, shall not be bound by such report, but may in addition thereto fully investigate such work and determine whether or not such contract has been complied with.

SECTION 45. The directors shall have the right, and it is hereby made their duty, during the progress of work being done under contract, to inspect the same, and upon the completion of any contract they shall draw a voucher on the district depository for the amount of the contract price in favor of the contractor or his assignee, which voucher shall be drawn in the manner as hereinabove provided; said

voucher to be paid out of the "Costruction and Maintenance Fund" of such district; provided that if the directors shall deem it advisable they may contract for the work to be paid for in partial payments as the work progresses, but such partial payments shall not exceed in amount in the aggregate eighty per cent of the total amount to be paid under the contract the amount of work completed shall be shown by a certificate of the engineer; and provided further that nothing in this section shall effect the provision of this Act providing for the carrying out and performing of the improvement of improvements by the United States.

SECTION 46. The directors shall make an annual report on the first day of January of each year showing in detail the kind, character and amount of work done in the district, the cost of same, the amount of each voucher drawn and to whom paid, and for what purpose paid, and other data necessary to show the condition of improvements made under the provisions of this Act, a copy of which report shall be filed in the office of the County Clerk of the county, where the lands embraced lie wholly within one county or where the district is composed of land lying in two or more counties, then with the clerk of the county in which the largest part of the lands of the district are situated, which report shall be opened to public inspection.

SECTION 47. The Board of Directors shall have control over the management of all of the affairs of such district, shall make all contracts pertaining thereto and shall employ all necessary employees for the proper conduct and operation of such district; including engineers, bookkeepers and such other assistants and such other laborers as may be required, paying such compensation as the Directors may determine; and the directors are authorized to employ an attorney or attorneys to represent such district in the preparation of any contract or the conduct of any proceedings in or out of court, and to be the legal advisor or advisors of the directors on such terms and for such fees as may be agreed upon by them, provided that where the district lies wholly within one county the directors shall not, after the completion of the improvements, employ any attorneys as legal advisers of the district or an engineer as engineer of such district, or any other employees except with the concurrence and consent of the Commissioners' Court of such county and the compensation to be paid such attorney, engineer or employee, so employed after the completion of the improvements, shall be fixed by the directors subject to the approval of said Commissioners' Court. They may require bonds of any employees in any amount within their discretion. The directors may also employ a general manager to have general charge of the work, paying such compensation as may be agreed by the directors. A director may be appointed as general manager and at such compensation as may be fixed by the other directors, and when so employed he shall also perform the duties of a director but he shall not receive the compensation to be paid to the directors. The directors may also buy all necessary work animals, machinery and supplies and material of all discription as may be required in the construction, operation or repairing of the improvements of the dis-

trict, and may do and perform all things necessary and proper in carrying out the purposes of said district.

SECTION 48. No director of any such district, engineer or other employee thereof, shall be directly or indirectly interested either for themselves or as agents for any one else, in any contract for the construction of any work or improvement, or repair or reconstruction of such improvements by said district, and if any such person shall directly or indirectly be or become interested in any such contract, he shall be guilty of a felony, and upon conviction thereof be punished by confinement in the penitentiary for a term not less than one year nor more than five.

SECTION 49. All districts established under the provisions of this Act are hereby declared to be defined districts within the meaning of Section 52, Article 3 of the Constitution, and may by and through its directors sue and be sued in the name of such district, and all courts of this State shall take judicial notice of the establishment of such districts; and said district shall contract and be contracted with in the name of such districts. Such districts shall have a seal, which shall be circular in form containing a five pointed star in the center and around the margin thereof the name of the district.

SECTION 50. The directors of any district are hereby empowered to acquire the necessary right of way and property of any kind or character whatsoever for all necessary improvements contemplated by this Act, by gift, grant, purchase or condemnation proceedings, whether the same be within or without the boundaries of the district; and any property acquired may be conveyed to the United States in so far as the same shall be necessary for the construction, operation and maintenance of works by the United States under any contract that may be entered into between the district and the United States.

SECTION 51. The directors of any district and the engineers and employees thereof are hereby authorized to go upon any land lying within said district for the purpose of examining same for locating dams, bulkheads, jetties, locks, gates or any other character of improvement or construction necessary to the accomplishment of the purposes of the district, to make maps and profiles thereof, and are hereby authorized to go upon lands beyond the boundaries of such districts for the purposes stated and for any other purposes necessarily connected therewith whether herein enumerated or not; and any person who shall wilfully prevent or prohibit any such officer or employee from entering upon such land for such purpose shall be guilty of a misdemeanor and upon conviction shall be fined One Hundred Dollars for each day he shall prevent or prohibit such officer or employee from entering upon any lands.

SECTION 52. The Board of Directors are authorized and empowered whenever they may deem it advisable to invest from time to time any sinking fund of the district, acquired for the redemption and payment of any of its outstanding bonds and interest thereon, in bonds of the United States or of the State of Texas, of any county of the State of Texas, any irrigation or water improvement or navigation bonds, or bonds or any other school district in the State of

Texas authorized to issue bonds, provided that no bonds shall be so purchased that according to their terms mature at a date subsequent to the time of the maturity of the bonds for the payment of which such sinking fund was created.

SECTION 53. The Board of Directors of such district, through the Secretary, shall keep a true account of all matters and proceedings of the board and shall preserve all contracts, records and notices, duplicate vouchers, duplicate receipts, and all accounts and records of whatsoever kind, and the same shall be the property of the district and shall be delivered to their successors in office.

SECTION 54. The directors of each district shall, during the progress of the construction of any improvement under contract, have and maintain a regular office within such district and may in their discretion when deemed necessary have and maintain a regular office in the district during any other time or times. The directors shall hold an annual meeting on the first day of December of each year at ten o'clock A. M. and may provide for meetings at stated intervals by resolution duly passed, and the President or any two directors may call special meetings at any time that may be deemed proper or necessary.

SECTION 55. All officers and employees of any district who may be required to give bond or security may furnish bonds of surety companies subject to the approval of the directors; all such bonds shall be preserved by directors as the property of said district.

SECTION 56. After the full and final completion of all of the improvements of such district, as herein provided for, and after payment of all expenses incurred under the provisions of this Act, the directors are authorized to use the funds remaining in the "Construction and Maintenance Fund" for the best interest of such district in the preservation, upkeep, repair and reconstruction of the works of such district.

SECTION 57. All laws and parts of laws in conflict with this Act are hereby repealed. Provided however, the provisions of this Act shall not repeal or affect any of the provisions of the law contained in Chapter 87 Acts of the Thirty-fifth Legislature, at its regular session 1917, or any amendment thereto, but are independent thereof.

SECTION 58. The fact that there is no law by which districts may be organized for the purpose of the control and prevention of the purity and irrigable quality of the waters of the State, and the further fact that the inflow of salt water into various streams within the State has rendered the waters of such streams unfit for irrigation purposes, and the fact that in many portions of this State the growing of necessary agricultural productions is impossible without irrigation, and the fact that increased production of food and other agricultural products is of vital importance to the State and Nation, creates an emergency and an imperative public necessity exists requiring the suspension of the constitutional rule requiring bills to be read on three several days, and it is hereby suspended and this Act shall take effect and be in full force from and after its passage, and it is so enacted.

[NOTE.—S. B. No. 10 passed the Senate by a two-thirds vote, yeas 25, nays 0; and passed the House of Representatives by a two-thirds vote, yeas 105, nays 1.]

Approved April 2, 1918.  
Became a law April 2, 1918.

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CONSERVATION AND RECLAMATION DISTRICTS TO BE  
KNOWN AS LEVEE IMPROVEMENT DISTRICTS.

S. B. No. 22.]

CHAPTER 44.

An Act to provide for the creation of conservation and reclamation districts within this State under and by virtue of the provisions of Section 59 of Article 16 of the State Constitution, to be known as Levee Improvement Districts, for the purpose of reclaiming lands from overflow from rivers, creeks and streams, by systems of levees, drainage and other improvements; prescribing how such districts may be created; defining their rights, powers and privileges, and the manner of their exercise; constituting such districts when created governmental agencies and bodies politic and corporate, and fixing their rights and liabilities as such; providing for the construction, maintenance and protection of works and improvements erected by them; making penal interference with or injury to their works or improvements, and fixing penalties and punishment to be imposed on persons offending in those regards, as well as for building levees without lawful authority; granting to such districts the right of eminent domain, and the power to levy taxes and cause the same to be assessed and collected, and to issue bonds and create indebtedness to raise funds for the objects of their creation; making all laws upon this subject passed at the Fourth Called Session of the Thirty-fifth Legislature of Texas cumulative; and declaring an emergency.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. There may be created within this State conservation and reclamation districts, to be known as Levee Improvement Districts, for the purpose of constructing and maintaining levees and other improvements on, along and contiguous to rivers, creeks and streams, for the purpose of reclaiming lands from overflow from such streams, and for the proper drainage and other improvement of such lands; all as contemplated by Section 59, Article 16, of the Constitution of this State, for the conservation and development of the natural resources of this State, which said districts shall have and may exercise all the rights, powers and privileges given by this Act, and in accordance with its directions, limitations and provisions.

SEC. 2. When it is proposed to create a levee improvement district wholly within one county there shall be presented to the commissioners' court of the county in which the lands to be included in such district are located, or to the county judge of the county if the commissioners' court is not in session, a petition signed by the owners of a majority of the acreage of such proposed district, setting forth the proposed boundaries thereof, the general nature of the work proposed